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Attorney for Plaintiffs,  
Sebastian Kleiner and Silvana Kraftschik

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SEBASTIAN KLEINER and SILVANA  
KRAFTSCHIK,

Plaintiffs,

vs.

SPINAL KINETICS, INC., a Delaware  
corporation,

Defendant.

Case No. 5:15-cv-02179-EJD

**STIPULATION TO EXTEND TIME TO  
RESPOND TO DEFENDANT'S MOTION  
TO DISMISS BASED ON *FORUM NON  
CONVENIENS***

WHEREAS, Defendant filed a Motion to Dismiss Based on *Forum Non Conveniens*  
September 21, 2015 (Doc. 22);

WHEREAS, the current deadline to respond to this Motion is October 5, 2015;

WHEREAS, on October 5, 2015, Plaintiffs filed a First Amended Complaint to withdraw  
and remove certain claims and allegations;

WHEREAS, Defendant may amend its Motion to Dismiss Based on *Forum Non*  
*Conveniens* to address the withdrawal and removal of certain claims;

WHEREAS, the parties through counsel have met and conferred and agree that, pursuant  
to Local Rule 6-1, Plaintiffs' deadline to oppose the original or amended Motion to Dismiss

1 based on Forum Non Conveniens, shall be extended to October 9, 2015, and Defendant's  
2 deadline to reply to the opposition shall be October 16, 2015;

3 WHEREAS, the parties through counsel have met and conferred and agree that, pursuant  
4 to Local Rule 6-1, Defendant's deadline to respond to Plaintiffs' First Amended Complaint shall  
5 be October 26, 2015.

6 WHEREAS, the brief extensions set forth herein will not alter the date of any other event  
7 or deadline already set by the Court in this action;

8 THEREFORE, IT IS HEREBY STIPULATED by the parties through their respective  
9 counsel that the deadlines for Plaintiff to oppose Defendant's Amended Motion to Dismiss Based  
10 on Forum Non Conveniens is continued to and includes October 9, 2015, Defendant's deadline to  
11 reply to the opposition is continued to and includes October 16, 2015, and Defendant's deadline  
12 to respond to Plaintiffs' First Amended Complaint is continued to and shall be October 26, 2015.

13 Dated: October 5, 2015

**SPAGNOLETTI & CO.**

14  
15 By: /s/ David S. Toy  
David S. Toy

16 Attorney for Plaintiffs, Sebastian Kleiner  
17 and Silvana Kraftschik

18 **DRINKER BIDDLE & REATH LLP**

19  
20 Dated: October 5, 2015

By: /s/ Michelle A. Childers  
Michelle A. Childers

21 Attorney for Defendant  
22 Spinal Kinetics, Inc.

23 **Attestation Pursuant to Civil Local Rule 5-1(i)**

24 Pursuant to Civil Local Rule 5-1(i), I, David S. Toy, hereby attest that I have  
25 obtained concurrence in the filing of this document from the other signatory to this document.  
I declare under penalty of perjury under the laws of the United States of America that the  
26 foregoing is true and correct. Executed this 5<sup>th</sup> day of October, 2015, in Houston, Texas.

27 /s/ David S. Toy  
David S. Toy